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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/658,186

Applicant(s)


METSKE ET AL.

Examiner

Steven R. Wasylchak

Art Unit

3624



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14-30, 32-48 and 50-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-30, 32-48, and 50-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- 1. This action is in response to amendments and remarks of July 1, 2004.**
- 2. Additional citations were added in bold for clarification.**
- 3. Claims 13, 31, and 49 are canceled; claims 1, 2, 12, 16, 19, 20, 30, 34, 37, 38, 48 and 52 are amended; claims 1-12, 14-30, 32-48 and 50-54 are pending.**
- 4. Applicant argues in substance that Gershman does not teach the independent claims. Examiner respectfully disagrees and maintains the prior sections cited in Gershman in addition to clarifications in parenthesis below; however, Examiner retracts his assertion that an offer code is not explicitly present: "offer code" is equivalent to the product identification since products/services, which are explicit offers for sale and each product/service has a code in the form of an identification number on web sites (col. 37, L55 to col 38, L 17) and applies to each independent claim: 1, 12, 16, 19, 30, 34, 37, 48 and 52.**

### ***Claim Rejections - 35 USC § 102***

- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 6. Claims 1-12, 14-30, 32-48, 50-54 are rejected under 35 U.S.C. 102(b) as being unpatentable over Gershman et al. (US 6,401,085).**

Claims:

1. A method for providing solicitations and web-based offers and receiving corresponding responses thereto comprising:  
providing a solicitation to a set of users sharing pre-selected characteristics,  
incorporating in the solicitation at least an offer code and a universal resource locator (URL) corresponding to a web site;/abstract; fig 1A; fig 25; (col 37, L 55 to col 38, L 17)  
receiving a request to access the web site through the URL and receiving the offer code via the accessed web site;/ fig 10A; (fig 10B(1003),1002) fig 14(1411,1490) fig 15 all)  
providing via the accessed web site an offer to at least one user, wherein the provided offer corresponds to the received offer code; and  
receiving via the accessed web site, a response to the offer at least one of the users/  
abstract; fig 1A; fig 25 (fig 17, fig 10A, fig 1A(20,14); (fig 2(270) fig 18(orders have offer fulfilled)
2. The method of claim 1, wherein the offer code incorporated in the solicitation is entered by the user at the web site / abstract; fig 1A; fig 25; (fig 9 (900, 910, 950)
3. The method of claim 1, wherein the solicitation is sent through electronic means./ (fig 1A, 10A, 17, 24)
4. The method of claim 1, wherein receiving a request further includes:  
providing a customer identification number; and abstract; fig 1A; fig 25 (fig 13(1320))

Art Unit: 3624

using the customer identification number to verify a user./ abstract; fig 1A; fig 25 (fig 13 (1320))

5. The method of claim 1, wherein the offer provides for adjusting existing customer account terms./ abstract; fig 1A; fig 18, 25 (fig 23 (2380, 2395))

6. The method of claim 1, wherein the offer includes terms for new customers./ abstract; fig 1A; fig 18,25 (fig 16, 23 to left: my site can be changed)

7. The method of claim 1, further including:  
adjusting a customer's account terms based on the response./ abstract; fig 1A;  
fig 19,25 (fig 23)

8. The method of claim 1, further including:  
creating a new customer account based on the response./ abstract; fig 1A; fig 25 (refer to cl 6)

9. The method of claim 1, further including saving a user's access history. /abstract;  
fig 1A; fig 18,19,25 (col 11, L 49-62, col 40, L 9-16, col 47, L 43-520)

10. The method of claim 9, further including:  
analyzing the user's access history; and  
modifying the offer based on the analysis./ abstract; fig 1A; fig 19,25 (col 11, L 49-67,  
col 12, L 46-59, col 40, L 9-16)

11. The method of claim 1, wherein a customer's account is automatically updated based on the response./ abstract; fig 1A; fig 25 (col 11, L 40-67, col 12, L 46-59)

12. A method for accessing web-based offers comprising:  
receiving a solicitation with at least an offer code and a universal resource locator (URL)

Art Unit: 3624

accessing a web site through the URL and entering the offer code via the accessed web site;

receiving via the accessed web site a set of offers based on the entered offer code; and providing a response to the received offer at the web page./ refer to cl 1

13. canceled

14. The method of claim 12, wherein the set of offers relate to at least one of cellular telephone products and services./ abstract, claim 1

15. The method of claim 12, wherein the set of offers relate to financial services./ abstract, refer to claim 1 (fig 23, col 37, L 59 to col 38, L 17)

16. A method for providing web-based offers and receiving responses thereto comprising:

providing a host web site including a prompt for an offer code, wherein the offer code is include in a solicitation for a product or service

receiving the offer code at the prompt

displaying a set of unique offers corresponding to the received offer code and; receiving a response to the set of displayed offers./ refer to cl 1, (fig 23)

17. The method of claim 16, wherein the set of offers relate to at least one of cellular "telephone products and services./refer to cl 14

18. The method of claim 16, wherein the set of offers relate to financial services./refer to cl 18

19. An apparatus for providing solicitations and web-based offers and receiving corresponding responses thereto comprising:

Art Unit: 3624

a providing module for providing a solicitation to a set of users sharing pre-selected characteristics, incorporating in the solicitation at least an offer code and a universal resource locator (URL) corresponding to a web site;  
a receiving module for receiving a request to access the web site through the URL and receiving the offer code via the accessed web site; a providing module for providing via the accessed web site an offer to at least one of the users, wherein the provided offer corresponds to the received offer code; and  
a receiving module for receiving via the accessed web site, a response to the offer from at least one of the users./ refer to cl 1

20. The apparatus of claim 19, wherein the offer code incorporated in the solicitation is entered by the user at the web site / refer to cl 2

21. The apparatus of claim 19, wherein the solicitation is sent through electronic means. / refer to cl 3

22. The apparatus of claim 19, wherein the receiving module for receiving a request further includes:

a providing module for providing a customer identification number; and  
a using module for using the customer identification number to verify a user./refer to cl 4

23. The apparatus of claim 19, wherein the offer provides for adjusting existing customer account terms./refer to cl 5

24. / refer to cl 6

25. /refer to cl11

26. /refer to cl 6
27. /refer to cl 9,10
28. /refer to cl 9,10
29. /refer to cl 5
30. /same, refer to cl 12
31. canceled
32. /refer to cl 14
33. The apparatus of claim 30, wherein the set of offers relate to financial services./refer to cl 15
34. An apparatus for providing web-based offers and receiving responses thereto comprising:
  - a providing module for providing a host web site including a prompt for an offer code wherein the offer code is include in a solicitation for a product or service;
  - a receiving module for receiving the offer code at the prompt;
  - a displaying module for displaying a set of unique offers corresponding to the received offer code;
  - a receiving module for receiving a response to the set of displayed offers./ refer to cl 16
35. The apparatus of claim 34, wherein the set of offers relate to at least one of cellular telephone products and services./ refer to cl 14
36. The apparatus of claim 34, wherein the set of offers relate to financial services./ refer to cl 15
37. A computer-readable medium containing instructions for providing



Art Unit: 3624

solicitations and web based offers and receiving corresponding responses

thereto comprising:

providing a solicitation to a set of users sharing pre-

selected characteristics, incorporating in the solicitation at least an offer a

code and a universal resource locator (URL) corresponding to a web site;

receiving a request to access the web site through the URL and receiving the offer code

via the accessed web site; providing, via the accessed web site an offer to at least one

of the users, wherein the provided offer corresponds to the received offer code and

receiving via the accessed web site, a response to the offer from at least one of the

users./ refer all to cl 1

38. The computer-readable medium of claim 37, wherein the offer

code incorporated in the solicitation is entered by the user at the web site /refer to cl 2

39. The computer-readable medium of claim 37, wherein the solicitation

is sent through electronic means./ refer to cl 3

40. The computer-readable medium of claim 37, wherein receiving a

request further includes: providing a customer identification number; and

using the customer identification number to verify a user./ refer to cl 4

41. The computer-readable medium of claim 37, wherein the offer provides

for adjusting customer account terms./refer to cl 5

42. The computer-readable medium of claim 37, wherein the offer includes

terms for new customers./refer 6

Art Unit: 3624

43. The computer-readable medium of claim 37, further including:

adjusting a customer's account terms based on the response./ refer to cl 7

44. The computer-readable medium of claim 37, further including: creating

a new customer account based on the response./refer to cl 8

45. The computer-readable medium of claim 37, further including saving

a user's access history/ refer to cl 9

46. The computer-readable medium of claim 45, further including:

analyzing the user's access history; and modifying the offer based on the

analysis./ refer to cl 10

47. The computer-readable medium of claim 37, wherein a customer's account

is automatically updated based on the response./refer to cl 11

48. A computer-readable medium containing instructions for accessing

web-based offers comprising:

receiving a solicitation with at least an offer code and a universal resource

locator (URL) corresponding to a web site;/

accessing a web site through the URL and entering the offer code via the accessed web

site; receiving via the accessed web site, a set of offers based on the entered offer

code; and

providing a response to the received offer at the web page./refer to cl 30

49. canceled

50. The computer-readable medium of claim 48, wherein the set of offers relate

to at least one of cellular telephone products and services./refer to cl 17

51. The computer-readable medium of claim 48, wherein the set of offers relate to financial services./refer to cl 18
52. A computer-readable medium containing instructions for providing web-based offers and receiving responses thereto comprising:  
providing a host web site including a prompt for an offer code; wherein the offer code is included in a solicitation for a product or service; receiving the offer code at the prompt;  
displaying a set of unique offers corresponding to the received offer code and receiving a response to the set of displayed offers./ refer to cl 34
53. The computer-readable medium of claim 52, wherein the set of offers relate to at least one of cellular telephone products and services./refer to cl 35
54. The computer-readable medium of claim 52, wherein the set of offers relate to financial services./ refer to cl 36


This action is **FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Art Unit: 3624

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylichak



10/ 14 /04



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